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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,451	01/30/2001	Farrukh S. Najmi	SUN1P817	3454

66083   7590   06/06/2007

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ART UNIT	PAPER NUMBER
3693	

MAIL DATE	DELIVERY MODE
06/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 October 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,5-16,19-23 and 26-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,5-16,19-23 and 26-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

This action is in response to the application response filed on 10-6-06.

Acknowledgements

The examiner for this application has changed. Please indicate Examiner Kirsten Apple

as the examiner of record in all future correspondences.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission has been entered.

Claim Rejections - 35 USC § 112

In view of the applicants amendments the 112 rejections is hereby withdrawn.

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant.

The examiner rejects as final claims 1-33 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness
rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or
described as set forth in section 102 of this title, if the differences between the subject matter
sought to be patented and the prior art are such that the subject matter as a whole would have
been obvious at the time the invention was made to a person having ordinary skill in the art
to which said subject matter pertains. Patentability shall not be negatived by the manner in
which the invention was made.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mandler in

view of Bhatt.

With regard to Claims 1,16,22 Mandler teaches a buyer/seller/broker intermediary

system & method wherein buyers place Request for Quotes (FRQ) with a broker who then

forwards the information to a plurality of sellers for consideration and response. See (Col. 3,

lines 48-58). Mandler does not expressly teach the publish/subscribe system & method described

by the Applicant, however this an old and well-known process exemplified by Bhatt. Bhatt

discloses the following:

subscribing to a service interface by the certain one of the first plurality of e-business
entities operating on a plurality of enterprise communication system protocols;
(Col. 5, lines 48-52)

wherein the service interface contains a list of second plurality of e-business entities
(Col. 3, lines 6-15; Col. 14, lines 6-45)

and wherein a subscription is created which is in communication with a broker via a query
manager interface (Col. 14, lines 6-45)

publishing the message to the broker by the first entity, the broker being in communication with
the service interface via the query manager interface;
(Col. 2, line 64 – Col. 3, line 5; Col. 14, lines 6-45)

determining the selected ones of the plurality of e-business entities to receive the message by the
broker; and
(Col. 3, line 66 – Col. 4, line 3)

publishing the message to the selected ones of the plurality of entities based upon the
determining. (Col. 11, lines 56-66)

multicasting the message to the selected ones of the plurality of e-business entities based upon
the determining by the broker, such that the first entity is not required to know any one of the
plurality of enterprise computer system protocols.
(Col. 11, lines 56-66)

Also, for each of the six (6) limitations above, see generally (Bhatt, Claims 1-2).

It would have been obvious to one of ordinary skill in the art at the time Applicant's

invention was made to combine the teachings of Mandler, relating to a broker/intermediary

between buyers and sellers, with the teachings of Bhat relating to a publish/subscribe method.

The motivation for such a combination can be found in both references. In Bhatt, the use of the

publish/subscribe system is contemplated for the electronic commerce arts at (Bhatt, Col. 1, lines

24-28), which describes how the nature of business events triggers the system. More importantly,

however, Mandler suggest using improved computer technologies at (Col.2, line 65 – Col. 3, line

29) to reduce distribution cost, expand markets for sellers, and allowing buyers to price shop

among sellers via electronic commerce for optimal price and selection of goods.

Mandler teaches the system & method comprising:

**receiving the message through a multicast protocol at each of the selected ones of the
plurality of entities;   (Col. 4, lines 25-29)**

reviewing the message at each of the selected ones of the plurality of entities;
(Col. 4, lines 29-31, which implicitly contains a review of the RFQ) and

determining if a response to the message is to be generated at each of the selected ones of the
plurality of e-business entities based upon the reviewing.
(Col. 4, lines 29-31)

Mandler teaches the system & method comprising:

publishing the response to the service interface based upon the determining;
(Col. 4, lines 29-31)

publishing the response to the broker by the service interface; and
(Col. 4, lines 29-31)

publishing the response to the first entity by the broker.
(Col. 4, lines 29-31)

It would have been obvious to one of ordinary skill in the art at the time Applicant's

invention was made to combine the teachings of Bhat relating to a publish/subscribe method with

the teachings of Mandler providing for the review of incoming messages and the response thereto. The motivation for such a combination can be found in both references. In Bhatt, the use of the publish/subscribe system is contemplated for the electronic commerce arts at (Bhatt, Col. 1, lines 24-28), which describes how the nature of business events triggers the system. As well, Mandler suggest using improved computer technologies at (Mandler, Col.2, line 65 – Col. 3, line 12). An obvious business application is to publish responses to the RFQ's so as to consummate a transaction.

With regard to Claims 2,21,23 in terms of initial limitation, as well as the last limitation, comprising:

setting an expiration time for the published message after receiving the published message from the first entity;

purging the message when the expiration period lapses.

the Examiner observes that an expiration time is an inherent aspect of publish/subscribe system and method. Bhatt and Mandler do not expressly teach this limitation, however it would be considered part of the teachings of Mandler/Bhatt combination. Bhatt does disclose the remaining two limitations:

retaining the published message;
(Col. 11, lines 62-66)

determining if an appropriate one of the plurality of entities has subsequently subscribed to the service interface so as to be identified to receive the message;
(Col. 12, lines 2-8)

It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine the teachings of Mandler, relating to a broker/intermediary between buyers and sellers, with the teachings of Bhat relating to sorting out new

subscriber/sellers. The motivation for such a combination can be found in both references. In Bhatt, the use of the publish/subscribe system is contemplated for the electronic commerce arts at (Bhatt, Col. 1, lines 24-28), which describes how the nature of business events triggers the system. More importantly, however, Mandler suggest using improved computer technologies at (Col.2, line 65 – Col. 3, line 29) to reduce distribution cost, expand markets for sellers, and allowing buyers to price shop among sellers via electronic commerce for optimal price and selection of goods.

With regard to Claim 5,26 Mandler nor Bhat teach the method wherein:

the responding ones of the plurality of entities are each anonymous to the first entity.

The examiner takes Official Notice that anonymous publishing is old and well known in the art, and is a common occurrence in a publish/subscribe scenario. Therefore, it would have been obvious to one of ordinary skill in the art modify the teachings of Mandler to expressly include anonymous publishing. The motivation for such a combination is to expand the number of applications available to users of the system. Applicant has not traversed the noticed fact in Claims 5 and 26, and pursuant to MPEP §214.03(C), the Examiner considers as admitted prior art, the elements of Claims 5,26.

With regard to Claim 6, Mandler does not teaches the method comprising:

publishing the response directly to the first entity based upon the determining.

However, once the seller knows the identity of the buyer, an inherent part of the system is that the seller can then either continue to process the RFQ using the broker,

OR if so inclined, initiate communication with the buyer directly. Mandler thus anticipates this claim as well.

With regard to Claim 7,27 Mandler specifically emphasizes that buyers and sellers need not have previously conducted business together. Even so, there is nothing in the disclosure that indicates the buyer or seller <u>can not</u> know each other. Thus inherent to the system is the idea that in some cases, the responding ones of the plurality of entities are each known to the first entity.

With regard to Claim 8, Mandler teaches the method comprising:

publishing the response to the service interface based upon the determining;
(Col. 4, lines 29-31)

publishing the response to the broker by the service interface; and
(Col. 4, lines 29-31)

With regard to Claim 9, Mandler specifically emphasizes that buyers and sellers need not have previously conducted business together. Even so, there is nothing in the disclosure that indicates the buyer or seller <u>can not</u> know each other. Thus inherent to the system is the idea that in some cases, the responding ones of the plurality of entities are each known to the first entity.

With regard to Claims 10,19,28 Mandler teaches a system and method wherein:

the message is a request for a quote (RFQ).
(Col. 7, lines 21-27)

With regard to Claims 11,20,29 Mandler teaches a system and method wherein:

the response is a quote.
(Col. 7, lines 39-40)

With regard to Claim 12,30 Mandler teaches a method wherein:

the first entity is included in a first enterprise computer system and wherein at least one of the responding entities is included in a second enterprise computing system.
(Col. 6, lines 22-40)

With regard to Claim 13,31 Mandler teaches a method wherein:

the first and the second enterprise computing systems are different enterprise computing systems.
(Col. 6, lines 40-43)

With regard to Claim 14,32 Mandler does not expressly teaches a method wherein:

the first enterprise computing systems is an ebXML based enterprise computing system.

However, the examiner observes that unless the use of a specific operating system or programming language is *critical or uniquely required* for implementation of the claimed method, very little patentable weight is given to claims identifying one operating system or programming language.

Even so, the examiner observes that ebXML is more or less a framework for developing a business transaction vocabulary that is based on XML. Bhatt teaches using XML in its operation of a publish/subscribe system at (Col. 3, lines 50-57). As such, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine the teachings of Mandler, relating to a broker/intermediary between buyers and sellers, with the teachings of Bhat relating to a publish/subscribe method based on XML. The motivation for such a combination is found in Mandler at (Col.2, line 65 – Col. 3, line 29) which suggests using improved

computer technologies to reduce distribution cost, expand markets for sellers, and allow buyers to price shop among sellers via electronic commerce for optimal price and selection of goods.

With regard to Claim 15,33 Mandler does not expressly teach the method wherein:

the second enterprise computing systems is an ebXML based enterprise computing system.

However, the examiner observes that unless the use of a specific operating system or programming language is *critical or uniquely required* for implementation of the claimed method, very little patentable weight is given to claims identifying one operating system or programming language.

Even so, the examiner observes that ebXML is more or less a framework for developing a business transaction vocabulary that is based on XML. Bhatt teaches using XML in its operation of a publish/subscribe system at (Col. 3, lines 50-57). As such, it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine the teachings of Mandler, relating to a broker/intermediary between buyers and sellers, with the teachings of Bhat relating to a publish/subscribe method based on XML. The motivation for such a combination is found in Mandler at (Col.2, line 65 – Col. 3, line 29) which suggests using improved computer technologies to reduce distribution cost, expand markets for sellers, and allow buyers to price shop among sellers via electronic commerce for optimal price and selection of goods.

Response to Arguments

Applicant's arguments filed 10-6-06 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: "Bhatt does not teach multicasting the message such that the first entity is not required to know any one of the plurality of enterprise computing system protocols."

The Examiner refutes the argument made by the Applicant and draws the attention to Bhatt, col. 11 lines 55-69 plus col 12 lines 1-26. More particular col. 12 line 9-14 which explains that "a subscriber may specify the delivery mechanism." The "first entity" of the applicant is the "publisher" in Bhatt and "one of a plurality of enterprise computer system protocols" of the applicant is the "delivery mechanism" of Bhatt. Therefore if the "delivery mechanism" is specified by the "subscriber" the "first entity/publisher" would not be required to know it.

Applicants argued 2nd, "neither Bhatt nor Mandler teach a) publishing the response to the service interface based upon determining of the selected one of a first plurality of e-business entire to receive the message by the broker

The Examiner refutes the argument made by the Applicant and would like to first point out that this limitation is not in the claims – perhaps this is a typo but it only says in the claims "publishing the response to the service interface based upon determining" which included the limitation of "responding to a request and transmitting" of Mandler col. 4, line 29-31

Applicants argued 3rd, "neither Bhatt nor Mandler teach b) publishing the response to the broker by a service interface

The Examiner refutes the argument made by the Applicant and draws the attention to Mandler col. 4, line 29-31. As re-written in the remarks "broker then receives a price quote from the seller" includes all of the limitations of "publishing a response to a broker by a service interface."

The Examiner refutes the argument made by the Applicant and draws the attention to

Applicants argued 4th, Applicants argued 3rd, "neither Bhatt nor Mandler teaches c) publishing the response to the first e-business entity by the broker

The Examiner refutes the argument made by the Applicant and draws the attention to Mandler col. 4, line 29-31. As re-written in the remarks "broker transmits the quotes to the buyer" includes all of the limitations of "publishing the response to the first e-business entity by the broker."
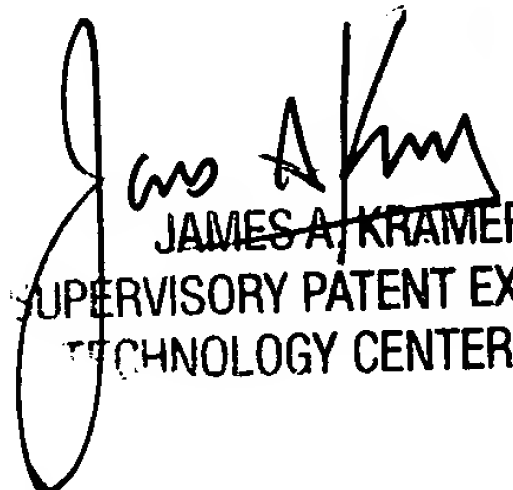
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

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